

# MEDICAID SERVICES MANUAL

For

## Nurse Aide Training and Competency Evaluation Program

### KENTUCKY MEDICAID PROGRAM



Cabinet for Health Services  
Department for Medicaid Services  
275 East Main Street  
Frankfort, Kentucky 40621

Cabinet for Health Services  
Department for Medicaid Services  
Medicaid Services Manual for Nurse Aide Training and Competency Evaluation  
Program

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## Section 1 - INTRODUCTION

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### I. INTRODUCTION

The nursing home reform provisions of the Omnibus Budget Reconciliation Act (OBRA) of 1987 established a requirement for a nurse aide training and competency evaluation program for nurse aides who are employed by nursing facilities.

A nurse aide shall be defined as any individual including nursing students, medication aides and those employed through nursing pools providing nursing or nursing related services to facility residents, who shall not be a licensed health professional or volunteer. The requirement does not apply to persons who are hired by the resident or a family member to sit with the resident, There is a requirement for a registry of all individuals who have satisfactorily completed a nurse aide training and competency evaluation program, or a nurse aide competency evaluation. The registry shall be established and maintained by the Department

In addition to the names of individuals having satisfactorily completed the nurse aide training and competency evaluation program, the registry shall include information addressing any State findings concerning any individual resident abuse or neglect or misappropriation of resident property, and a brief statement, if any by the aide disputing the findings.

Pursuant to the statutory mandate for a State approved nurse aide training and competency evaluation program (NATCEP), the training and competency evaluation program was developed as a cooperative effort with representatives of the Kentucky Board of Nursing; Department for Technical Education; the Kentucky Association for Health Care Facilities; Division of Licensing and Regulation, Office of the Inspector General; State Nursing Home Ombudsman, Department for Social Services; District Bluegrass Long-Term Care Ombudsman; the Director of Nursing Services, Department for Health Services; Mental Health and Mental Retardation Services; and Medicaid Services.

Mosby's Textbook for Long-Term Care Assistants, in its' most recent edition, shall be used as the curriculum and is being incorporated by reference.

## Section 2 - STATEMENT OF PURPOSE

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### II. Statement of Purpose

The purpose of the nurse aide training program is to prepare the nurse aide to provide high quality, direct patient care under the supervision of licensed nurse personnel. The seventy-five (75) hour course is divided between theory and supervised practical training. A primary goal is to ensure the availability of a well-structured, uniform program across Kentucky that will provide a foundation for high quality nurse aide services.

### Section 3 - STATEMENT OF PHILOSOPHY

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#### III. STATEMENT OF PHILOSOPHY

It is the right of every individual to receive high quality health care delivered by trained personnel. Federal and state laws and regulations are adopted to insure quality care to residents of long-term care facilities. The nurse aide acquires knowledge and skills through established training and education programs.

The nurse aide training program is designed to provide both classroom instruction and clinical practice that will assist the individual in gaining knowledge and skills essential to the provision of nurse aide services. Further, a primary focus of the program is the fostering of independent functioning, to the extent possible, for each nursing home resident. This requires, in addition to policy and procedural instruction, an emphasis on the establishment and maintenance of a safe, non-threatening, independence-conducive environment for the nursing facility resident. The nurse aide shall have a working knowledge of the physiological, psychological and sociological impact of institutionalization.

Section 4 - OBJECTIVES

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IV. OBJECTIVES

Upon completion of the training program the nurse aide shall be able to:

- A. Demonstrate good personal habits.
- B. Recognize the nurse aide's role as it fits into the organizational structure of a long-term health care facility.
- C. identify responsibilities of the nurse aide to the resident and health care team.
- D. Demonstrate basic skills and techniques in performing uncomplicated nursing procedures according to the program standards.
- E. Organize and administer nursing care to residents based on a plan of care and direction from charge personnel.
- F. Demonstrate knowledge of resident's rights in assisting residents with their activities of daily living.
- G. Demonstrate ability to assist residents in attaining and maintaining functional independence to the extent possible.
- H. Demonstrate proper care for and use of equipment and supplies necessary for patient care.
- I. Demonstrate sensitivity to the residents' physical, emotional, social and mental health needs through skillful, directed interactions.
- J. Actively participate in the maintenance of a non-threatening, independence-conducive environment for the nursing facility resident.

Section 5 - PROGRAM REQUIREMENTS AND GUIDELINES

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V. PROGRAM REQUIREMENTS AND GUIDELINES

- A. The "basic course" consists of a minimum of seventy-five (75) hours with a minimum of sixteen (16) hours of supervised practical training.
- B. The nurse aide training program shall be conducted by a:
  - 1. Department for Technical Education program
  - 2. Nursing facility program
  - 3. Community college or university program
  - 4. Licensed proprietary education program
  - 5. Other licensed health care facility offering a nurse aide training program to its' own employees
  - 6. Non-profit, church related or tax supported program that is not identified in the above categories

Each agency shall request and receive approval Medicaid Services. Approved nurse aide training programs shall be conducted in-state.

- C. As specified in Public Law 101-508 (Omnibus Budget Reconciliation of 1990), Part 5-Provisions Relating to Nursing Home Reform, Section 4801 (a) (6) (A), training programs offered by or in a nursing facility shall not be approved if in the previous two (2) years they have:
  - 1. Had a waiver of the licensed nurse or registered nurse requirement for a period of in excess of forty-eight (48) hours;
  - 2. Been subject to an extended (or partial extended) survey;
  - 3. Been subject to sanctions imposed by Medicare or Medicaid law including a civil money penalty of not less than \$5,000, denial of payment, appointment of temporary management, closing the facility or transferring residents, or termination.

## Section 5 - PROGRAM REQUIREMENTS AND GUIDLINES

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- D. The classroom instruction shall be taught in a location that meets the following requirements:
1. Environment shall be conducive to adult learning i.e.: well-lighted, well ventilated, quiet room.
  2. Necessary laboratory facilities, equipment and supplies are provided to include, but not limited to:
    - Patient bed
    - Linens and pillows for positioning
    - Sphygmomanometer
    - Stethoscope
    - Thermometers
    - Basins (for bed bath)
    - Geriatric chair
    - Wheelchair
    - Restraints and protective devices
    - Bedpan
    - Urinal
    - Scales for height and weight
    - Samples of records of charting, e.g., Intake and Output, Vital Signs
    - Catheters and related supplies
    - Audio-visual equipment
    - Any other equipment needed for simulating resident care.
  3. Adequate classroom and laboratory space shall be available to accommodate students. The class size shall not exceed fifteen (15) students per instructor.
  4. The classroom, if held in a nursing facility, shall not interfere with normal resident activities.

Section 5- PROGRAM REQUIREMENTS AND GUIDLINES

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- E. The approved text for the nurse aide training program is Mosby's Textbook for Long-Term Care Assistants in its most recent edition. The competency evaluation is based on this text.

Medicaid Services shall be informed and approve in writing any changes that may alter the instructional program. Through this cooperative effort the material shall be maintained current and consistent with the competency evaluation (test).

- F. Prior to any direct contact with a resident the trainee shall have at least sixteen (16) hours of training in the following areas:

Communication and interpersonal skills  
Infection control  
Safety and emergency procedures  
Promoting residents' independence  
Respecting residents' rights

The remainder of the seventy-five (75) hours of training shall include:

Basic Nursing Skills:

- Taking and recording vital signs
- Measuring and recording height and weight
- Caring for the residents' environment
- Recognizing abnormal signs and symptoms of common diseases and conditions
- Caring for residents when death is imminent

## Section 5 - PROGRAM REQUIREMENTS AND GUIDLINES

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Personal Care Skills, including, but not limited to

- Bathing; grooming, including mouth care; dressing toileting; assisting with eating and hydration; proper feeding techniques; skin care
- Transfers, positioning and turning

Mental Health and Social Service Needs:

- Modifying aide's behavior in response to residents' behavior
- Identifying developmental tasks associated with the aging process
- Behavior management by reinforcing appropriate behavior and reducing or eliminating inappropriate behavior
- Allowing the resident to make personal choices, providing and reinforcing other behavior consistent with the resident's dignity
- Using the residents family as a source of emotional support.

Care of Cognitively Impaired Residents:

- Techniques for addressing the unique needs and behaviors of individuals with dementia (Alzheimer's and others)
- Communicating with cognitively impaired residents
- Understanding the behavior of cognitively impaired residents
- Appropriate responses to the behavior of cognitively impaired residents
- Methods of reducing the effects of cognitive impairments.

## Section 5 - PROGRAM REQUIREMENTS AND GUIDELINES

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### Basic Restorative Services:

- Training the resident in self care according to the resident's abilities
- Use of assistive devices in transferring, ambulation, eating and dressing
- Maintenance of range of motion
- Proper turning and positioning in bed and chair
- Bowel and bladder training
- Care and use of prosthetic and orthotic devices

### Residents' Rights:

- Providing privacy and maintenance of confidentiality
- Promoting the resident's rights to make personal choices to accommodate their needs
- Giving assistance in resolving grievances and disputes
- Providing needed assistance in getting to and participating in resident and family groups and other activities
- Maintaining care and security of residents' personal possessions
- Providing care which maintains the resident free from abuse, mistreatment, and neglect, and the need to report any such instance to appropriate facility staff
- Maintaining the resident's environment and care to avoid the need for restraints.

Section 5 - PROGRAM REQUIREMENTS AND GUIDELINES

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- G. The suggested time schedule for the Medicaid approved curriculum may be lengthened in order to meet the learning abilities of students. The instructors are encouraged to spend more than the minimum time on various topics as needed.
- H. Evaluations of the course and instructor shall be requested from the student at the end of each class for the purpose of program evaluation by the instructor, The evaluations shall be kept on file for the on-site review.
- I. Each student's training and testing records shall be maintained for at least five (5) years and available upon request.
- A J. It is the instructor's responsibility to assure before starting the class that all students enrolled are qualified. The instructor shall also inform each student that upon successful completion of the nurse aide training and competency evaluation program their name shall be placed on a state registry which shall be made available to other states and interested parties.
- K. A trainee shall be terminated from the Program when documented and substantiated evidence is presented that the trainee is guilty of resident neglect, abuse, or misappropriation of resident property. These individuals shall be placed on the abuse registry maintained by the Department. Upon request, the trainee shall be given the opportunity for a review of the allegations.

Section 5 • PROGRAM REQUIREMENTS AND GUIDELINES

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- L. If the clinical instructor is not the primary instructor he shall provide documentation of the student's clinical competency to the instructor of the classroom course before any arrangements are made with an examiner for the final examination.
- M. A student shall pass a minimum of three (3) written or oral tests throughout the classroom course with an average score of seventy (70) percent to be eligible for the final examination.
- N. By means of prescribed methods the instructor shall advise the Regional Kentucky Tech School, Department for Technical Education, of those students who have successfully completed the seventy-five (75) hours of nurse aide training and are eligible to take the competency evaluation
- O. The primary instructor shall maintain a performance record of major duties and skills taught which consists of, at a minimum:
1. A listing of objectives for the program:
  2. The date the aide successfully met the objective; and
  3. The name of the instructor supervising the performance.

At the completion of the nurse aide training program, the nurse aide and his employer shall receive a copy of this record. If the individual did not successfully perform all duties or skills on the performance record, he shall receive supervision for all duties and skills not satisfactorily performed until satisfactory performance is confirmed.

Section 6 - STUDENT INFORMATION

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VI. STUDENT INFORMATION

- A. In order for the Kentucky Medicaid Program to reimburse the cost of nurse aide training, the student shall be employed as a nurse aide by a long-term care facility that participates in the Program and shall complete the seventy-five (75) hour approved training program.
- B. Persons who are employed as a nurse aide in a long-term care facility on or after October 1, 1990, shall attend the entire seventy-five (75) hour training course before taking the final competency evaluation.
- C. Individuals who have successfully completed a nursing fundamentals course in either a prelicensure practical nursing or registered nursing education program, shall within one (1) year of completion of the nursing program, not be required to complete the seventy-five (75) hour nurse aide training program. An official transcript shall be presented to the regional technical school for the exam to be scheduled.
- D. Individuals employed in permanent positions as nurse aides shall satisfactorily complete the nurse aide training and competency evaluation program within four (4) months of employment as a nurse aide.
- E. All nurse aides employed on a temporary, per diem, leased, or any other non-full time status shall have completed a NATCEP or competency evaluation program (CEP) prior to working in a nursing facility.

Section 6 - STUDENT INFORMATION

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- F. An individual (former nurse aide) who has not performed nursing or nursing-related services for pay for a twenty-four (24) month continuous period, shall be required to retake the competency evaluation. However, if on the first attempt the nurse aide fails either portion of the test he shall be required to complete a nurse aide training course prior to testing again.
- G. Each time a nurse aide training course is completed the nurse aide trainee shall have three (3) opportunities to successfully complete the entire competency evaluation.
- H. Absences shall be monitored by the instructor. The student may be given the opportunity to make up the absence at the instructor's discretion.
- I. Individuals who are not employed as nurse aides shall have one (1) year from the completion of a nurse aide training or fundamentals of nursing course to successfully complete the competency evaluation.
- J. All nurse aides who are not on the nursing aide registry shall complete the initial sixteen (16) hours of classroom training prior to direct involvement with a nursing facility resident.

## Section 7 - INSTRUCTOR REQUIREMENTS

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### VII. INSTRUCTOR REQUIREMENTS

- A. Nurse aide training shall be performed by or under the general supervision of a registered nurse who has a minimum of two (2) years of experience, at least one (1) of which shall be in the provision of long-term care services. All instructors of nurse aides shall be required to have completed a course in teaching adults or shall have experience in teaching adults or supervising nurse aides. Licensed nurses may also act as instructors in NATCEPs as long as a registered nurse maintains ultimate responsibility for the program and is available to provide instruction in areas in which a licensed nurse may lack technical expertise. However, licensed nurses shall also have completed a course in teaching adults or shall have experience in teaching adults or supervising nurse aides. The Director of Nursing may supervise the nurse aide training in a facility but shall not perform the actual training.
- B. A registered nurse or a licensed nurse may be granted reciprocity from another state for the Methods of Instruction (MOI) training if their training is equivalent to Kentucky's course work. A certificate of completion and a course curriculum shall be submitted to Medicaid Services for approval.
- C. Qualified resource personnel from the health field may participate in the training, as appropriate. Examples include other nurses, pharmacists, dietitians, social workers, physical therapists, speech therapists, occupational therapists, gerontologists, nursing home administrators, fire safety experts and resident rights experts. Where applicable these individuals shall be licensed, registered or certified. All trainers shall have a minimum of one (1) year of current experience in their fields.

Section 8 - FINAL EXAMINATION-COMPETENCY EVALUATION

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VIII. FINAL EXAMINATION-COMPETENCY EVALUATION

- A. The performance evaluation shall be administered and evaluated by a registered nurse with at least one (1) year's experience in providing care for the elderly or chronically ill of any age.
- B. The Department for Technical Education, has responsibility for the final written or oral examination and the skills demonstration aspect of the competency evaluation. The test questions are developed based on the State-approved curriculum by the Department for Technical Education with input from Medicaid Services. The test has been validated by the Department for Technical Education to ensure its reflection of the material presented in the training. The Department for Technical Education also has the responsibility to maintain the integrity of the test and the individual examinations.
- C. The oral examination may be substituted for the written examination for persons with limited literacy skills. If oral, the examination shall be read in a neutral manner. However, a written reading comprehension portion shall be used to determine competency to read job-related information.
- D. The written and skills demonstration final examinations are usually held at area technical education, state Kentucky Tech or health occupation schools. The competency evaluation may, at the nurse aide's option, be conducted at the facility in which the nurse aide is or will be employed unless the facility is described in section V.,C., of this manual. All competency evaluation program designs shall be approved in writing by Medicaid Services.

Section 8 - FINAL EXAMINATION-COMPETENCY EVALUATION

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- E. The skills demonstration aspect of the examination shall consist of a minimum performance of five (5) tasks. These five (5) tasks are selected from a pool of evaluation items and shall include the required personal care skills. To satisfactorily complete the evaluation the student shall make a score of at least seventy (70) percent and successfully demonstrate five (5) procedures under the observation of the examiner. Any critical criteria task shall be accomplished with 100 percent accuracy. Task related evaluation items are developed to also evaluate non-task orientated competency of the student, such as communication, comprehension, and psychosocial skills.
- F. If a student has a disability e.g. , hearing impairment but is competent in all areas except those affected by the disability, this may be noted as an exception on his record and on the score sheet before submitting these documents to the student and to the registry. The nurse aides name may be identified on the registry indicating that he has a disability. However, if the hearing loss is so significant that the nurse aide might not be able to hear a resident's request for assistance the appropriateness of passing the student shall be evaluated by the registered nurse administering the examination. Nurse aide trainees with a disability shall successfully complete the NATCEP prior to placement on the registry.
- G. A person who fails the competency evaluation the first time shall have the opportunity to retake the test twice. The trainee shall be advised of the areas he did not successfully complete. If the test is failed for the third time, the individual shall retake and successfully complete the entire training program before being allowed to retest. Successful completion of the competency evaluation shall be accomplished within four (4) months of the date of employment. If a nurse aide trainee has not successfully completed the training and testing and changes employers he shall be allowed three (3) times to train and nine (9) times to test within the year.

. Section 9 - RECORDS

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IX. RECORDS

- A. Within thirty (30) days of satisfactory completion of the competency evaluation, the Department for Technical Education shall forward to the registry, the names and social security numbers or other identification numbers of students who have successfully completed the competency evaluation. No charges shall be imposed on individuals placed on the registry.
- B. The student shall be advised in writing by the Department for Technical Education of the competency evaluation results.
- C. The registry shall contain the name of each individual who has successfully completed the competency evaluation. It shall also include the name of each individual who has successfully challenged the competency evaluation or has been granted an exemption. Any findings of abuse, neglect, or misappropriation of property shall be placed on the registry. Documentation shall include the nature of the allegation and evidence that led the State to conclude that the allegation was valid, the date of the hearing and its outcome, and a statement by the individual disputing the allegation, if he chooses to make one (1). This information shall be included in the registry within ten (10) working days of the findings and shall remain on the registry permanently, unless the findings were made in error, the individual was found not guilty in a court of law, or the state is notified of the individual's death.

It is the employing facility's responsibility to verify that the nurse aide is on the nurse aide registry in good standing. Documents verifying successful completion of a NATCEP shall not substitute for confirmation by the registry.

## Section 9 - RECORDS

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The nurse aide registry shall renew a nurse aide's registration at least once every two (2) years. Registration shall be denied if the nurse aide has not worked as a nurse aide for compensation for twenty-four (24) consecutive months or longer.

- D. Upon request the state shall provide specific information from the registry as follows:
1. Whether or not the aide's name is on the registry as having completed the nurse aide training competency evaluation program or competency program;
  2. The findings of any substantiated complaint received regarding the aide; and
  3. Any statement made by the aide regarding the complaints.

## Section 9 - RECORDS

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The nurse aide registry shall renew a nurse aide's registration at least once every two (2) years. Registration shall be denied if the nurse aide has not worked as a nurse aide for compensation for twenty-four (24) consecutive months or longer.

- D. Upon request the state shall provide specific information from the registry as follows:
1. Whether or not the aide's name is on the registry as having completed the nurse aide training competency evaluation program or competency program;
  2. The findings of any substantiated complaint received regarding the aide; and
  3. Any statement made by the aide regarding the complaints.

Section 10 • RECIPROCITY

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X. RECIPROCITY

- A. Nurse aides whose names are on another State's Nurse Aide Registry may be granted reciprocity in Kentucky. The individual may be deemed competent for employment in a nursing facility based upon written verification from the agency that maintains the involved State's Nurse Aide Registry. This verification shall include the aide's name, social security number or other identification number, the date the name was placed on the registry and any documented findings pertaining to the individual. In addition, an employment record shall be provided to the registry to verify that twenty-four (24) months have not expired since he worked for pay as an aide. Reciprocity shall not be granted for anyone who has a validated complaint against him which is documented on a registry.

Section 11 - CERTIFICATION

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XI. CERTIFICATION

- A. Certification of nurse aides is NOT required; therefore, the term "Certified Nurse Aide" shall NOT be used in connection with completion of this course. This is the Medicaid-approved training program for nurse aides and the registry shall be used only for validation of successful completion of the nurse aide training and competency evaluation program. The registry shall also provide information pertaining to any documented findings by a state of resident neglect, abuse or misappropriation of resident property involving an individual listed on the registry, as well as any brief statement of the individual's disputation of the findings.
- B. Long-term care facilities are encouraged to provide recognition to students who have successfully completed the competency evaluations, e.g., pins, certificates, ID cards. The Department for Technical Education shall issue card form certificates to those who successfully complete the competency examination. The card form certificate shall not take the place of verifying a nurse aide's status on the registry.

Section 12 - STATE REVIEW OF COMPLIANCE WITH PROGRAM  
REQUIREMENTS

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XII. STATE REVIEW OF COMPLIANCE WITH PROGRAM REQUIREMENTS

- A. Requests for State approval to conduct nurse aide training shall be submitted to Medicaid Services by means of a completed MAP 414, (Appendix I), in its most current edition. The request shall include written documentation pertaining to the following:
1. That the state-approved basic curriculum shall be followed;
  2. That all requirements shall be met with regard to program content, hours of classroom instruction and clinical practice;
  3. The qualifications of the classroom instructor and clinical supervisor;
  4. The method of clinical supervision;
  5. The qualifications of any other faculty members for any aspect of the Program;
  6. The physical facilities that shall be used in classroom and skills training;
  7. Assurances of access to a long-term care facility for the clinical experience aspect of the program with a written memorandum of agreement if other than a facility-based program; and
  8. A description of each complaint received about the program in the previous two (2) years.
  9. A signed statement indicating that the facility is in good standing with the Division of Licensing and Regulation.

Medicaid Services shall advise the requester whether or not the program has been approved or request additional information within ninety (90) days. The approval of a nurse aide training and competency evaluation program shall not be for a period longer than two (2) years. Approved programs shall notify Medicaid Services for reapproval when there are substantial changes made to their programs. No charges shall be imposed on individuals employed by nursing facilities for training or testing.

Section 12 - STATE REVIEW OF COMPLIANCE WITH PROGRAM  
REQUIREMENTS

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B. Initial Post-Approval and Ongoing Review

After initial approval of the training program, each program shall be monitored as follows:

Approved nurse aide training programs conducted by nursing facilities shall be monitored on-site. A self-evaluation shall be submitted to Medicaid Services every two (2) years.

The monitoring system used by the Cabinet for Workforce Development for other technical education programs shall be used for the nurse aide training programs conducted by the Department for Technical Education. This monitoring shall be conducted on-site at least every two (2) years. A self-evaluation shall be submitted by the training program provider to the on-site review agency each year that an on-site visit is not scheduled. The results of these reviews shall be compiled by the Department for Technical Education and forwarded to Medicaid Services on an annual basis.

Medicaid Services shall conduct the monitoring of all other approved nurse aide training programs. An on-site review shall be conducted at least every two (2) years. A self-evaluation shall be submitted by the training program provider to Medicaid Services each year that an on-site review is not scheduled.

If the program is found to be noncompliant, a plan of correction shall be submitted to Medicaid Services within thirty (30) days. If the plan of correction is not submitted or is not approved, the program shall be decertified and shall not be eligible to reapply for a nurse aide training program two (2) years from the date of decertification

Section 12 - STATE REVIEW OF COMPLIANCE WITH PROGRAM  
REQUIREMENTS

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Medicaid Services shall withdraw the approval of any nurse aide training and competency evaluation program that does not permit unannounced visits by the State.

If a nurse aide training program is decertified for any reason no new trainees shall be enrolled. However, those trainees in the process of training shall be allowed to finish the training and test.

Section 13 - ONGOING STAFF DEVELOPMENT

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XIII. ONGOING STAFF DEVELOPMENT

- A. Each nursing facility is required to provide a minimum of twelve (12) hours of ongoing staff development annually for each nurse aide employed who has completed the training program. The facilities shall complete a performance review of every nurse aide at least once every twelve (12) months, and the staff development shall be based on the weaknesses noted in the annual reviews. Cognitive impairment and special needs of the residents shall also be addressed. The training may be conducted in groups or for individuals when necessary,
- B. Each nurse aide shall be compensated for time spent in staff development and there shall be documentation of the content of the training program and a staff attendance record kept. Nursing facilities may develop an internal policy to insure staff development attendance.

MAP 414  
(01196)

Department for Medicaid Services  
Application for Approval of Nurse Aide Training Program

1. Date of application \_\_\_\_\_
2. Name of training program provider/facility \_\_\_\_\_
3. Administrator \_\_\_\_\_
4. Address \_\_\_\_\_  
\_\_\_\_\_
5. Telephone number area code (    ) \_\_\_\_\_
6. Federal I.D. number \_\_\_\_\_ *county: \_\_\_\_\_*
7. Type of nurse aide training provider (Please check)  
☐ Department for Technical/Education  
☐ Nursing Facility  
☐ Community College or University  
☐ Proprietary Education \_\_\_\_\_ License Number \_\_\_\_\_  
☐ Other licensed health care facility offering nurse aides training to its' own employees.  
☐ Non-Profit, church related or tax supported program not identified in above categories.
8. Ownership and type of organization (i.e. corporation, public, private, sole proprietorship, etc.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. Classroom/laboratory facility address \_\_\_\_\_  
\_\_\_\_\_
10. Description of classroom/ lab facilities \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. List equipment and supplies for classroom instruction

APPENDIX I

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12. Name and address of facility to be used for clinical practice. (Please enclose letter of agreement.)

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13. Attach lesson plan schedule (syllabus • days and times allowed for a whole unit to be completed with each session) to comply with the 75 hour curriculum including a minimum of 16 hours of supervised practical training.

14. Name and title of program supervisor \_\_\_\_\_

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Active/ current Kentucky R.N. licensure number: \_\_\_\_\_

The Director of Nursing may be the program supervisor, but may not instruct any portion of the course.

15. Work experience that will qualify the R.N. as the supervisor (minimum of two (2) years of experience in nursing at least one of which is in the provision of long-term care services.).

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16. Methods of Instruction program, location/ date attended by the supervisor:

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17. Name and title of second instructor if different from above (see No. 14)

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18. Active/ current Kentucky R.N. license number \_\_\_\_\_

or active/ current Kentucky L.P.N. license number \_\_\_\_\_

19. Work experience that will qualify the second instructor to teach the training.

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20. Methods of Instruction program, location/ date attended by the second instructor:

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21. The undersigned provider:

- A. Agrees to comply with and abide by all applicable federal and state laws and regulations, and with Kentucky Medicaid Program's policies and procedures governing Title XIX approved nurse aide training programs.
- B. Certifies that the above provider applicant is licensed by the state of Kentucky (applicable only to proprietary agencies).
- C. Agrees to comply with the civil rights requirements set forth in 45 CFR Parts 80, 84, 90. (The Cabinet for Human Resources shall make no payment to providers of service who discriminate on the basis of race, color, national origin, sex, handicap, religion, or age in the provision of services.)
- D. Agrees to maintain records of the training and competency performance of nurse aide who have successfully completed the program for a period of **five** (5) years. These records will be made available to the Department for Medicaid Services or its designee, upon **request**.
- E. Assures that he (it) is aware of Section 1909 of the Social Security Act: Public Law **92-603** (As Amended), reproduced on the reverse side of this Agreement and of KRS 194.500 to 194.990 and KRS 205.845 to 205.855 and 205.855 to 205.990 relating to medical assistance fraud.

## PENALTIES

## Section 1909. (a) Whoever-

(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for any benefit or payment under a State plan approved under this title,

(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining rights to such benefit or payment,

(3) having knowledge of the occurrence of any event affecting (A) his initial or continued right to any such benefit or payment, or (B) the initial or continued right to any such benefit or payment of any other individual in whose behalf he has applied for or is receiving such benefit or payment, conceals or fails to disclose such event with an intent fraudulently to secure such benefit or payment either in a greater amount or **quantity** than is due or when no such benefit or payment is authorized, or

(4) having made application to receive any such benefit or payment for the use and benefit of another and having received it, knowingly and willfully converts such benefits or payment or any part thereof to a use other than for the use and **benefit** of such other person,

shall (i) in the case of such a statement, representation, concealment, failure, or conversion by any person in connection with the furnishing (by that person) of items or services for which payment is or may be made under this title, be guilty of a felony and upon conviction thereof fined not more than \$25,000 or imprisoned for not more than five years or both, or (ii) in the case of such a statement, representation, concealment, failure, or conversion by any other person, be guilty of a misdemeanor and upon conviction thereof fined not more than \$10,000 or imprisoned for not more than one year, or both. In addition, in any case where an individual who is otherwise eligible for assistance under a State plan approved under this title is convicted of an offense under the preceding provisions of this subsection, the State may at its option (notwithstanding any other provision of this title or of such plan) limit, restrict, or suspend the eligibility of that ~~individual for such~~ period (not exceeding one year) as it deems appropriate; but the imposition of a limitation, restriction, or suspension **with** respect to the eligibility of any individual under **this** sentence shall not affect the eligibility of any other person for assistance under the plan regardless of the relationship between that individual and such other person.

(b)(i) Whoever knowingly and willfully solicits or receives any remuneration (including any **kickback**, bribe, or rebate) **directly** or indirectly, overtly or covertly, in cash or in kind-

(A) in return for referring an individual to a person for the furnishing or arranging for the furnishing of any **item** or service for which payment may be made in whole or in part under this title, or

(B) in return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made in whole or in part under this title,

shall be guilty of a felony and upon conviction thereof, shall be fined not more than \$25,000 or imprisoned for not more than five years, or both.

(2) Whoever knowingly and willfully offers or pays any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind to any person to induce such person-

(A) to refer an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under this **title**, or

(B) to purchase, lease, order, or arrange for or recommend purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made in whole or in part under this title.

shall be guilty of a felony and upon conviction thereof shall be fined not more than \$25,000 or imprisoned for not more than five years, or both.

(3) Paragraphs (1) and (2) shall not apply to-

(A) a discount or other reduction in price obtained by a provider of services or other entity under this **title** if the reduction in price is properly disclosed and appropriately reflected in the costs claimed or charges made by the provider or **entity** under this title; and

(B) any amount paid by an employer to an employee (who has a bona fide employment relationship with such employer) for employment in the provision of covered items or services.

(C) Whoever knowingly and willfully makes or causes to be made, or induces or seeks to induce the making of any false statement or representation of a material fact with respect to the conditions or operation of any **institution** or facility in order that such institution or facility may qualify (either upon initial certification or upon recertification) as a hospital, skilled nursing facility, intermediate care facility, or home health agency (as those terms are employed in this title) shall be guilty of a felony and upon conviction thereof shall be **fined** not more than \$25,000 or imprisoned for not more than five years, or both.

(d) Whoever knowingly and willfully-

(1) charges, for any service provided to a patient under a State plan **approved** under this title, money or other consideration at a rate in excess of the rates established by the State, or

(2) charges, solicits, accepts, or receives, in addition to any amount otherwise required to be paid under a State plan approved under this title, any gift, money, donation, or other consideration (other than a charitable, religious, or philanthropic contribution from an organization or from a person unrelated to the **patient**)--

(A) as a precondition of admitting a patient to a hospital, skilled nursing facility, or intermediate care facility or

(B) as a requirement for the patient's continued stay in such a facility,

when the cost of the services provided therein to the patient is paid for (in whole or in part) under the State plan.

shall be guilty of a felony and upon conviction thereof shall be fined not more than \$25,000 or imprisoned for not more than five years, or both.

- F. Agrees to inform the Cabinet for Human Resources, Department for Medicaid Services, within 30 days of any change in the following:
- (a) name;
  - (b) ownership;
  - (c) licensure (for proprietary agency);
  - (d) primary instructor; or
  - (e) address
  - (f) *clinical site*
- G. Agrees that all information provided in this application is accurate and in accordance with the Kentucky Department for Medicaid Services policies and procedures for Nurse Aide Training and Competency Evaluation Program.

Authorized Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

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For Department for Medicaid Services Use Only

Approval of Nurse Aide Training Program by the Department for Medicaid Services.

\_\_\_\_\_  
Authorized Medicaid Representative Signature

\_\_\_\_\_  
Approval Number

\_\_\_\_\_  
Date

## ADDENDUM TO MAP 414

My facility is applying for approval to teach a nurse aide training program. I verify that, my facility within the previous two (2) years:

- 1) in the case of a Medicare SNF, has not operated under a nurse staffing waiver;
- 2) in the case of a Medicaid NF, has not operated under a nurse staffing waiver which allows waiver of more than forty-eight (48) hours of nursing staffing per week;
- 3) has not been subject to an extended or partial extended survey;
- 4) has not been assessed a civil money penalty described in section 1819 (h)(2)(B)(ii) or 1919 (h)(2)(B)(ii) or the Social Security Act of not less than \$5,000; or
- 5) has not been subject to a remedy described in sections 1819 (h)(2)(B)(i) or (iii), 1819 (h)(4), 1919 (h)(l)(B)(i), or 1919 (h)(2)(A)(i), (iii) or (iv). These sections describe temporary management, denial of payment for admissions, termination, emergency, transfer, and closure;
- 6) has not had its participation in Medicare or Medicaid terminated;
- 7) was not subject to a denial of payment under Medicaid or Medicare;
- 8) was not assessed a civil money penalty of not less than \$5,000 for deficiencies in facility standards;
- 9) has not operated under temporary management; or
- 10) was never closed or had its residents transferred pursuant to state action.

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ADMINISTRATOR

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DATE